

PS 5110.15 NOTIFICATION OF RELEASE TO STATE AND LOCAL LAW
ENFORCEMENT OFFICIALS



Program Statement

OPI: CPD
NUMBER: 5110.15
DATE: 8/30/2000
SUBJECT: Notification of Release
to State and Local Law
Enforcement Officials

1. **PURPOSE AND SCOPE.** To prescribe procedures required by 18 U.S.C. § 4042(b), regarding the Notification of Release of Prisoners.

18 U.S.C. § 4042(b), requires in part that the Bureau notify state and local law enforcement officials at least five calendar days prior to releasing to Supervised Release, probation, or parole, prisoners who have been convicted of a "drug trafficking crime" or a "crime of violence." Inmates released under the protection of Chapter 224 Witness Protection Program are exempt from this provision.

2. **SUMMARY OF CHANGES.** The re-issuance of this Program Statement includes the following modifications:

- Ž The requirement that Community Corrections Managers (CCMs) provide notification five days prior to transfer to Home Confinement has been modified in order to allow for more expedient placement.
- Ž This re-issuance references Section 6 of the Categorization of Offenses Program Statement to identify current violent offenses. It also directs staff not to notify for offenses categorized under Section 7, Director's Discretion.
- Ž Applicable SENTRY CMA notification assignments previously introduced in an Operations Memorandum are incorporated into this Program Statement.
- Ž The requirement for unit staff to forward two paper copies of the Notification of Prisoner Release Form (BP-s554) to the CCM has been changed to require unit staff to forward an electronic version.

Ž Lastly, the Notification of Prisoner Release form (BP-s554) has been modified for improved transmission of information.

3. **PROGRAM OBJECTIVE.** The expected result of this program is:

State and local law enforcement officials will be notified at least five calendar days prior to the release of inmates convicted of a "drug trafficking crime" or a "crime of violence."

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5110.12 Notifications of Release to State and Local
 Law Enforcement Officials (1/21/98)

b. **Directives Referenced**

PS 1330.13 Administrative Remedy Program (12/22/95)
PS 5100.06 Security Designation and Custody
 Classification Manual (6/7/96)
PS 5141.02 Sex Offender Notification and Registration
 (12/14/98)
PS 5162.04 Categorization of Offenses (10/9/97)
PS 5322.11 Classification and Program Review of Inmates
 (3/11/99)
PS 5880.28 Sentence Computation Manual (CCCA of 1984)
 (2/21/92)
PS 7300.09 Community Corrections Manual (1/12/98)
PS 7320.01 Home Confinement (9/6/95)

5. **STANDARDS REFERENCED**

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4393

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4G-07

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: None

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-4G-15

6. **PRETRIAL/HOLDOVER AND/OR DETAINEE PROCEDURES.** Procedures

required in this Program Statement do not apply to pretrial inmates or detainees. Procedures do, however, apply to any sentenced Bureau inmate who may be a holdover in a Bureau or contract facility.

7. **WITSEC PROCEDURES.** Unless the Inmate Monitoring Section (IMS) specifically advises otherwise, institution and Community Corrections staff must complete notification procedures for all WITSECs who meet the notification guidelines set forth in Sections 8, 9, and 11 of this Program Statement. BP-s554s should be sent out as expeditiously as possible following receipt of the Release Authorization from the IMS.

8. **DEFINITIONS**

a. **Drug Trafficking Crime.** Any current or prior felony offense under 21 U.S.C. § 801 through § 863 (inclusive), 21 U.S.C. § 951 through § 971 (inclusive), or 46 U.S.C. App. § 1903 (see 18 U.S.C. § 924(c)(2)).

b. **Crime of Violence.** An offense that is a felony and:

(1) has as an element, the use, attempted use, or threatened use of physical force against the person or property of another; or,

(2) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense (see 18 U.S.C. § 924(c)(3)).

c. **Supervised Release.** A term of supervision to be served upon release from prison pursuant to 18 U.S.C. § 3583.

d. **Parole.** A discretionary grant of release pursuant to 18 U.S.C. § 4206 (a) or (d) or a mandatory release pursuant to 18 U.S.C. § 4164 (repealed). For the purpose of this Program Statement, the term "parole" also includes a term of Special Parole (21 U.S.C. § 841(c)).

e. **Chief Law Enforcement Officer of the State.** The state Attorney General as identified by the recommended source document named in Section 14.d. Exceptions to this definition shall be immediately reported to the Administrator, Correctional Programs Branch, Central Office.

f. **Chief Law Enforcement Officer of the Local Jurisdiction.**

The appropriate municipal or county law enforcement agency with jurisdictional authority consistent with the inmate's Supervised Release, probation, or parole address. When multiple jurisdictions have overlapping authority, the more geographically specific agency as identified by the source document named in Section 14.d. should be used.

9. **APPLICABILITY.** The procedures in this Program Statement apply to any prisoner in Bureau custody who is:

a. To be released to Supervised Release, probation, or parole; and

b. (1) whose **current** offense of conviction is a "drug trafficking crime" or a "crime of violence" as defined in Sections 8.a. or 8.b., or

(2) whose criminal **history** as determined by staff, in the exercise of professional judgment, includes a conviction for "drug trafficking" or a "crime of violence" as defined in Sections 8.a. or 8.b. For "drug trafficking crimes," staff are to consider only federal convictions as a basis for notification. For "crimes of violence," staff are to consider both state and federal convictions as a basis for notification.

Information regarding the current offense of conviction is obtained from the Judgment in a Criminal Case and the Pre-sentence Investigation Report (PSI). Information regarding an individual's criminal history is obtained from the PSI.

Staff must refer to Section 6 of the Categorization of Offenses Program Statement to determine whether a federal offense may be considered a "crime of violence." Notification must not be issued for an offense listed in Section 7 of the Categorization of Offenses Program Statement; however, if the inmate also has a drug or sex offense, or **prior** violent offense, relative notification should be processed accordingly.

Prior convictions warranting notification must be for felonies; convictions identified as misdemeanors should be disregarded for purposes of this Program Statement. In the event that the prior convictions are not identified as felony or misdemeanor offenses, unit management staff should use their best judgment in regard to notification.

10. EXCEPTIONS

a. **Juveniles.** Notification pursuant to this Program Statement is not required for offenders adjudicated juvenile delinquent pursuant to 18 U.S.C. § 5037; however, if an inmate was tried as an adult for a "drug trafficking crime" or a "crime of violence," notification to state and local law enforcement officials is required.

b. **Treaty Transfer Cases.** A U.S. citizen convicted of a crime in another country and received in Bureau custody under the International Treaty Transfer Program is not subject to notification pursuant to a crime described in Section 8.a. of this Program Statement. However, prior U.S. federal felony drug convictions, as defined in Section 8.a. of this Program Statement, require notification. Additionally, such inmates will be subject to notification for a crime which meets the definition of crime of violence contained in Section 8.b. of this Program Statement.

c. **Detainers.** Inmates releasing to a **detaining authority** do not require completion of a BP-s554; however, should institution staff receive written notice that the detainer was not executed, and the inmate was released on Supervised Release, probation, or parole, a reasonable attempt must be made to notify state and local law enforcement officials of the inmate's release to Supervised Release, probation, or parole based upon the inmate's most recent release information.

11. **CRIMES COMMITTED WHILE IN CUSTODY.** Violent crimes and drug trafficking crimes committed while in the custody of the Bureau or other correctional agencies are not to be used unless there was a court conviction.

12. **SENTRY PROCEDURES.** Appropriate SENTRY CMA assignments must be entered at initial classification in accordance with the Program Statement on Classification and Program Review of Inmates. The following assignments apply to the provisions of this Program Statement. Each inmate must have at least one assignment pertaining to notification.

ASSIGNMENT	DESCRIPTION	GROUP CODE
V94 CVB913	V94 CURR VIOL BEFORE 91394	VVB
	Currently convicted for a crime of violence with date of offense before September 13, 1994. Staff must refer to Section 6 of the Categorization of Offenses Program Statement to	

determine whether a federal offense may be considered a "crime of violence."

V94 CVA913

V94 CURR VIOL ON/AFTER 91394

VVA

Currently convicted for a crime of violence with date of offense on or after September 13, 1994. Staff must refer to **Section 6** of the Categorization of Offenses Program Statement to determine whether a federal offense may be considered a "crime of violence."

Note: Inmates categorized as having a "Director's Discretion" type offense (Section 7, Categorization of Offenses), **do not require, and should not be processed for** notification of a violent offense. (However, if the inmate also has a drug or sex offense, or **prior** violent offense, relevant notification should be processed accordingly.)

V94 PV

PAST VIOLENCE

VVP

Previously convicted for a crime of violence regardless of the date of offense.

V94 CDB913

V94 CURR DRG TRAF BEFORE 91394

VDB

Currently convicted for a drug trafficking crime with date of offense before September 13, 1994.

V94 CDA913

V94 CURR DRG TRAF ON/AFT 91394

VDA

Currently convicted for a drug trafficking charge with date of offense on or after September 13, 1994.

V94 PD

V94 PAST DRUG TRAFFICKING

VDP

Previously convicted for a **federal** drug trafficking crime, regardless of offense date.

V94 COB913

V94 CURR OTHER BEFORE 91394

VOB

Currently convicted for an offense that is not drug trafficking nor a crime of violence. The date of offense is before September 13, 1994.

V94 COA913

V94 CURR OTHER ON/AFTER 91394

VOA

Currently convicted for an offense that is not drug trafficking nor a crime of violence. The date of offense is on or after September 13, 1994.

Upon a thorough review of the inmate's Presentence Investigation Report (PSI) unit management staff will assign an appropriate CMA assignment as indicated above. Unit management staff must also complete the BP-613 only on VCCLEA inmates and forward it to the ISM within five days of initial classification (Inmates sentenced under VCCLEA provisions are those inmates whose offense occurred on or after 9/13/94 but prior to 4/26/96 (see appendix A, Security Designation and Custody Classification Manual)). Any questions regarding VCCLEA sentencing determination should be directed to the ISM, who is the final authority to determine if the inmate is VCCLEA.

13. **INMATE NOTIFICATION PROCEDURES.** All newly designated inmates identified by the applicability criteria in Section 9 must be notified in writing at initial classification of the provisions of 18 U.S.C. § 4042(b). This notification is to be included on the Program Review Report, with a permanent copy filed in section 5 of the Inmate Central File. Subsequent review of the inmate's status is required at each program review. If there are changes in this status, the inmate will be notified and a copy of this change filed in section 5 of the inmate's central file in addition to the initial notification. Written notification is also required on the inmate's final release progress report (paragraph 17(c), Release Planning-USPO).

14. **LAW ENFORCEMENT NOTIFICATION PROCEDURES.** Staff are to access SENTRY to monitor the names and projected release dates of all imminent releases. The inmate's release address shall be used to determine the appropriate agencies to receive notification.

a. **Direct Institution Release to Supervised Release, Probation, Parole, or Direct Transfer to Home Confinement.** Unit management staff are to prepare the BP-s554. Normally, the form is mailed via regular, first class mail **at least two weeks prior** to the inmate's release to Supervised Release, probation, or parole, or direct transfer to Home Confinement. This is to ensure receipt at least five calendar days prior to the inmate's placement in the community. Process the form as follows:

- Ž Send one BP-s554 to the chief **state** law enforcement official; attach an FBI Identification Record ("rap

sheet") or National Crime Information Center (NCIC) printout, if an FBI "rap sheet" is not available;

- Ž Send one BP-s554 to the chief **local** law enforcement official; attach an FBI Identification Record ("rap sheet") or NCIC printout, if an FBI "rap sheet" is not available; and

- Ž Send one BP-s554 to the appropriate U.S. Probation Office.

Facsimiles may be used, as an alternate method, to transmit the BP-s554 when confirmation of transmission can be ensured and documented.

A dated copy of each notification form shall be maintained in the disclosable portion of section 5 (Release Processing) of the Inmate Central File.

(1) **Immediate Release.** When the court orders the immediate release of an inmate who is subject to notification, staff shall notify the appropriate state and local law enforcement agencies **without delay**. The notification shall be forwarded immediately (normally the first business day) via facsimile (fax) to state and local law enforcement officials. An original notification must be mailed via regular mail to state and local law enforcement officials.

b. **Inmates Transferred from an Institution to a CCC.** When inmates are being transferred to a CCC prior to releasing to a term of Supervised Release, probation, or parole, institution unit management staff must forward the following materials to the appropriate CCM, along with the other required release paperwork:

- Ž An electronic version of the BP-s554, with all sections complete except the law enforcement addressee, the inmate's projected address, and the signature block; and
- Ž Two copies of the FBI Identification Record ("rap sheet") or NCIC printout, if an FBI "rap sheet" is not available.

CCMs shall ensure the information is complete and accurate, and complete the law enforcement addressee block, the inmate's projected address block, and sign and date the original notification forms before mailing.

c. **CCC Release to Supervised Release, Probation, Parole, or Transfer to Home Confinement.** The following procedures are

required for processing inmates who are currently in a CCC and are releasing directly to supervision or are transferring to Home Confinement. Normally, the form is mailed via regular first class mail from the institution **at least two weeks prior to the inmate's release** to Supervised Release, probation, or parole, to ensure it is received at least five calendar days prior to the inmate's release date.

For inmates transferring from a CCC to Home Confinement, the CCM is to mail the BP-s554 within two business days of the decision to place the inmate on Home Confinement. **Further notification is not required when the inmate is released from Home Confinement to release supervision.**

CCMs must routinely monitor any changes in an inmate's final release plan which may affect the BP-s554, particularly the final release date and release conditions/restrictions. Process the form as follows:

- Ž Send one BP-s554 to the chief **state** law enforcement official; attach an FBI Identification Record ("rap sheet") or NCIC printout, if an FBI "rap sheet" is not available;
- Ž Send one BP-s554 to the chief **local** law enforcement official; attach an FBI Identification Record ("rap sheet") or NCIC printout, if an FBI "rap sheet" is not available; and,
- Ž Send one BP-s554 to the appropriate U.S. Probation Office.

Facsimiles may be used, as an alternate method, to transmit the BP-s554 when confirmation of transmission can be ensured and documented.

A dated copy of each notification form is to be maintained in the disclosable portion of section 5 (Release Processing) of the Inmate Central File.

d. **Law Enforcement Agency Directory.** A source for identifying the name and address of state and local law enforcement officials is the:

National Directory of Law Enforcement Administrators,
Correctional Institutions and Related Agencies

SPAN Publishing, Inc.
PO Box 365

Stevens Point WI 54481-0365
(1-800-647-7579).

A comprehensive list of all Chief Law Enforcement Officers of each state is available on BOPDOCS. Additionally, any local jurisdictions which have requested an individual or office other than what is provided in the National Directory of Law Enforcement Administrators is also available on BOPDOCS.

15. **FORM PREPARATION.** Bureau staff may reproduce the BP-s554 locally. Each required BP-s554 must contain the following information:

- a. Offender's Name;
- b. Criminal History. For each conviction for a crime of violence or drug trafficking crime, staff shall include a succinct description of the crime to the extent that descriptive information is available. When neither an FBI "rap sheet" nor an NCIC printout is available, staff should write a summary of the inmate's criminal history from the PSI. Copies of the PSI should not be provided to these agencies.
- c. Final Release date to Supervised Release, probation, or parole;
- d. Offender's Projected Address on Supervised Release, probation, or parole; and
- e. Release Conditions or Restrictions (any restrictions on conduct or other conditions to the release of the prisoner imposed by the sentencing court other than the Standard Conditions of Supervision found on the J&C).

If more space is required for any element, staff must type the remaining information on additional sheets, and include a note in the appropriate element that the information continues on the additional sheets.

/s/
Kathleen Hawk Sawyer
Director